

Message Text

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FM SECSTATE WASHDC
TO USMISSION GENEVA

UNCLAS STATE 313346

E.O. 11652:N/A

TAGS: SREF, UNHCR

SUBJECT: DRAFT CONVENTION ON TERRITORIAL ASYLUM

1. IN DEPARTURE FROM THE TEXT PREPARED BY THE GROUP
OF EXPERTS ON TERRITORIAL ASYLUM, GENEVA, APRIL-MAY
1975, (A/10177, ANNEX) THE U.S. DELEGATION WILL BE
AUTHORIZED TO PUT FORWARD NEW DRAFTS OF ARTICLES
3(1) AND 4 AS FOLLOWS:

ARTICLE 3(1):

NO PERSON ENTITLED TO THE BENEFITS OF THIS
CONVENTION WHO IS IN THE TERRITORY OR AT
THE FRONTIER OF A CONTRACTING STATE SHALL
BE SUBJECTED BY SUCH CONTRACTING STATE TO
MEASURES SUCH AS RETURN, EXPULSION OR
REJECTION AT THE FRONTIER, WHICH WOULD
COMPEL HIM TO RETURN TO OR REMAIN IN A
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TERRITORY WHERE HIS LIFE OR FREEDOM WOULD
BE THREATENED FOR ANY OF THE REASONS STATED
IN ARTICLE 2.

ARTICLE 4:

(1) A PERSON SEEKING ASYLUM AT THE FRONTIER OF A CONTRACTING STATE, IF REFUSAL TO ADMIT HIM WOULD RESULT IN THE RETURN OF SUCH A PERSON TO A COUNTRY IN RESPECT OF WHICH HE HAS PUT FORWARD A PRIMA FACIE CLAIM OF PERSECUTION, SHALL BE ADMITTED PROVISIONALLY TO THE TERRITORY OF THAT CONTRACTING STATE.

(2) A PERSON ALREADY IN THE TERRITORY OF A CONTRACTING STATE WHO REQUESTS ASYLUM SHALL BE PERMITTED TO REMAIN IN THE TERRITORY OF THAT CONTRACTING STATE PENDING A DETERMINATION OF HIS REQUEST BY A COMPETENT AUTHORITY.

(3) A PERSON REQUESTING THE BENEFITS OF THIS CONVENTION SHALL NOT, FOR THE PURPOSES OF THE LAW OF THE CONTRACTING STATE, BE DEEMED TO BE IN THE TERRITORY OF THE CONTRACTING STATE CONSIDERING HIS REQUEST PENDING ITS DETERMINATION BY A COMPETENT AUTHORITY, UNLESS HE OTHERWISE HAS PERMISSION TO REMAIN.

2. THE MISSION IS REQUESTED TO INFORM THE UNHCR OF THE POSITION THE USDEL WILL TAKE. TO THE EXTENT POSSIBLE, THE MISSION IS ALSO REQUESTED TO INFORM THE MISSIONS OF THE UK, AUSTRALIA, AUSTRIA, CANADA, FRG, ITALY, BELGIUM, NETHERLANDS, SWEDEN, NORWAY, DENMARK, FRANCE, JAPAN, AND SWITZERLAND. PLEASE INFORM DEPT. OF ANY REACTIONS.

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